

REMARKS

Status of the Claims

Claims 1, 18, and 21 (Currently Amended)

Claims 2, 5-9, 11, 13, 18-22, and 24 (Previously Amended)

Claims 3, 4, 12, 14-17, 23, 25, 26 (Original)

Claim 10 (Cancelled)

Claims 1-26 are pending in the present application. Applicant has amended claims 1, 18, and 21 to more clearly define the present invention. Applicant has cancelled claim 10. The Examiner is further respectfully requested to consider and examine the present application in light thereof.

Comments under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 3, 4, 9-13, 18, 19, 21, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Shavit and further in view of King. The Examiner has further rejected claims 2, 14, 15, 22, and 23 under 35 U.S.C. §103(a) as being unpatentable over Suzuki in view of Shavit and King and further in view of Atcheson. The Examiner has rejected claims 5-8, 16, 20, 24, and 25 under 35 U.S.C. §103(a) as being unpatentable over Suzuki in view of Shavit and King further in view of Filepp. The Examiner believes the Suzuki reference teaches Applicant's invention except for different types of network connectivity, a regional host computer for connecting merchant computers to the network computer, and a switch for assimilating product information from merchant computers and transferring it to the network computer. The Examiner relies on Shavit to teach different kinds of network connectivity and King to

teach a system and method comprising assimilating product information according to a request from a customer in which product information from a first merchant is distinguished from a second merchant.

Applicant has amended independent claims 1, 18, and 21 to indicate more clearly that the real-time updates to product information from a first merchant and a second merchant are provided based on a customer request. In view of Applicant's amended claims, Applicant respectfully traverses the rejections. Applicant respectfully submits that none of the references cited by the Examiner, alone or in combination, teach or even suggest real-time updates to product information based on customer requests and as a result of this deficiency, cannot support the present rejections.

Suzuki teaches a data service company that maintains an integrated database comprising data from apparel manufacturers, textile companies, sewing companies, and sales companies. It is the Examiner's position Suzuki teaches real-time updates to product information at Col. 5, ll. 31-32 and 47-48. The passages cited by the Examiner indicate that sales transaction data at a point-of-sale terminal is updated in real-time as sales transactions are completed. The passages cited by the Examiner do not state or even suggest that the sales transaction data that is collected at the POS terminals is transmitted anywhere at the time it is collected. In other words, the passages teach nothing more than collection of data at a POS terminal. The cited passages therefore, do not support the present rejections. Furthermore, there is absolutely no indication anywhere in the Suzuki reference that subscribers or users of the system can request real-time updates to data to the sales transaction data collected at POS terminals.

Suzuki teaches only counting of transactions as they occur so that information regarding sales, network transactions, etc. may be reported at a later time. The counting of transactions as they occur does not equate to real-time updates to product information from a plurality of merchants as it is viewed by subscribers. Applicant respectfully submits therefore, that the Suzuki reference fails to teach or even suggest real-time updates to product information based on user requests. Applicant further respectfully submits that because Suzuki is deficient with respect to this aspect of the claimed invention, it cannot be combined with the Shavit, King, Atcheson, or Filepp references to support the present rejections.

Applicant respectfully submits that none of the other references relied upon by the Examiner (Shavit, King, Atcheson, or Filepp) teach or even suggest real-time updates to product information based on user requests. The combined teachings of the Suzuki, Shavit, King, Atcheson, and Filepp references fail to support the present rejections because none of the references teach or suggest real-time updates to product information, and more importantly, real-time updates to product information based on customer requests. Applicant respectfully submits that such a feature of real-time updates to product information based on customer requests would not be obvious in view of the combined teachings because none of the references teach or suggest combining components as taught by Applicant to facilitate real-time updates (e.g., use of two-way communication paths). Although the benefits of real-time updates may be obvious, the prior art references relied on by the Examiner do not teach or suggest modifications to the prior art that would support such a feature.

In view of the foregoing Amendments and Remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance and such action is earnestly requested.

Respectfully submitted,

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Date: August 22, 2003